IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION

CIVIL ACTION NO. 5:15-CR-00051-RLV-DCK

UNITED STATES OF AMERICA,)
Plaintiff,)
v.	ORDER
CHRISTOPHER RIOS RODRIGUEZ,)
Defendant.))

THIS MATTER IS BEFORE THE COURT on the Defendant's Motion to Suppress. [Doc. No. 15]. It appearing that the issues raised in the Defendant's Motion are of particular importance to the criminal case against him, the Court finds it appropriate to conduct a hearing on the Motion. Accordingly, the Court will conduct a suppression hearing on JANUARY 4, 2016 at 10:00AM at the Statesville Courthouse.

The parties are **ORDERED** to be prepared to discuss the recent Supreme Court case of *Rodriguez v. United States*, 575 U.S. ____, 135 S. Ct. 1609, 191 L. Ed. 2d 492 (2015), and its applicability to the facts surrounding the Defendant's traffic stop and subsequent arrest. Assuming *Rodriguez* applies to the facts of this case, the parties are further **ORDERED** to be prepared to discuss whether, under applicable Supreme Court and Fourth Circuit precedent, State Trooper Andrew Waycaster had "reasonable suspicion of criminal activity [that] justified detaining [Defendant] beyond completion of the traffic infraction investigation." *See Rodriguez*, 135 S. Ct. at 1616-17. Further, assuming that Trooper Waycaster had no "reasonable suspicion" to extend the Defendant's detention, the parties are **ORDERED** to be prepared to discuss the Exclusionary Rule and the "Fruit of the Poisonous Tree" Doctrine, as such may be applicable to the facts at hand. *See*,

e.g., Elkins v. United States, 364 U.S. 206 (1960); Nardone v. United States, 308 U.S. 338 (1939); accord United States v. Leon, 468 U.S. 897, 906 (1984) ("Whether the exclusionary sanction is appropriately imposed in a particular case . . . is an issue separate from the question whether the Fourth Amendment rights of the party seeking to invoke the rule were violated by police conduct." (citation and internal quotation marks omitted)).

SO ORDERED.

Signed: December 8, 2015

Richard L. Voorhees United States District Judge